

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

Geoffrey and Tanya Imhof,

Debtors.

Chapter 13

Bankruptcy No. 17-37101

Honorable A. Benjamin Goldgar

NOTICE OF MOTION

Please take notice that, on **Tuesday, August 25, 2020, at 1:30 p.m.**, I will appear telephonically before the Honorable A. Benjamin Goldgar, or any judge sitting in that judge's place, and present the attached **Motion to Withdraw as Counsel for the Debtors**, a copy of which is hereby served upon you.

This motion will be presented and heard telephonically. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.Court-Solutions.com or by calling Court Solutions at (917) 746-7476.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Dated: August 18, 2020

FactorLaw

By: /s/ Ariane Holtschlag
One of Its Attorneys

William J. Factor (6205675)
Ariane Holtschlag (6294327)
FACTORLAW
105 W. Madison Street, Suite 1500
Chicago, IL 60602
Tel: (312) 878-4830
Fax: (847) 574-8233
Email: aholtschlag@wfactorlaw.com

CERTIFICATE OF SERVICE

I, Ariane Holtschlag, an attorney, hereby certify that on August 18, 2020, pursuant to Section II.B.4 of the Administrative Procedures for the Case Management/Electronic Case Filing System and Fed.R.Civ.P. 5(a), I caused a copy of the foregoing *Notice of Motion* and the accompanying *Motion* to be served electronically through the Court's Electronic Notice for Registrants on all persons identified as Registrants on the below Service List and by and by first-class U.S. Mail on all Non-Registrants as identified on the below Service List. Additional notice has been provided to the Debtors through first-class U.S. Mail , FedEx and Email as identified on the below Service List.

/s/ Ariane Holtschlag

SERVICE LIST

Registrants

(Service via ECF)

| | |
|--------------------|--|
| Adham Alaily | aalaily@ea-atty.com |
| Peter C Bastianen | ND-Four@il.cslegal.com |
| Joel P Fonferko | ND-One@il.cslegal.com |
| Ariane Holtschlag | aholtschlag@wfactorlaw.com, bharlow@wfactorlaw.com;gsullivan@ecf.inforuptcy. com;holtschlagar43923@notify.bestcase.com |
| Patrick S Layng | USTPRegion11.ES.ECF@usdoj.gov |
| Marilyn O Marshall | courtdocs@chi13.com |

Non-Registrants

(Service via First Class U.S. Mail)

PRA Receivables Management, LLC
PO Box 41021
Norfolk, VA 23541

Geoffrey and Tanya Imhof
233 W Tanglewood Drive
Arlington Heights, IL 60004

(Service via first-class U.S. Mail on their respective attorneys in the domestic relations proceeding)

Tanya Imhof
c/o Michael A. Weiman, attorney
30 N LaSalle St Ste 3100
Chicago, IL 60602

Geoffrey Imhof
c/o Nicholas W. Richardson, attorney
800 E NW Hwy #321
Palatine, IL 60074

(Service via FedEx to the marital residence and address of record in this Case)

Geoffrey and Tanya Imhof
233 W Tanglewood Drive
Arlington Heights, IL 60004

(Service via direct individual Email)

Tanya Imhof brattil@hotmail.com

Geoffrey Imhof geoffimhof1@gmail.com

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:

Geoffrey and Tanya Imhof,

Debtors.

Chapter 13

Bankruptcy No. 17-37101

Honorable A. Benjamin Goldgar

MOTION TO WITHDRAW AS COUNSEL FOR THE DEBTORS

Ariane Holtschlag and The Law Office of William J. Factor d/b/a FactorLaw (collectively, the “**Firm**”), counsel for Geoffrey and Tanya Imhof (the “**Debtors**”) in the above captioned case, hereby move for leave to withdraw as Debtors’ counsel.

1. BACKGROUND.

The Debtors filed this case on December 14, 2017 (the “**Petition Date**”). On April 3, 2018, this Court entered an order confirming the Debtors’ proposed plan of reorganization. To date, the Debtors remain current on the payments required under their confirmed plan of reorganization.

On May 15, 2019, a petition for dissolution of their marriage was filed in the Circuit Court of Cook County to commence case number 2019D230205.

At this time, conflicts have arisen between the Debtors as a result of their separation and pending divorce proceeding such that a continued joint-representation in this bankruptcy case is no longer appropriate, or feasible, given the break down of communication and trust between the Debtors and the Firm.

Accordingly, the Firm now seeks to withdraw from its representation of the Debtors in this case.

2. DISCUSSION.

Under the applicable professional conduct rules, a lawyer may withdraw from representing a client if:

- (1) withdrawal can be accomplished without material adverse effect on the interests of the client;
- (2) the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
- (3) the client has used the lawyer's services to perpetrate a crime or fraud;
- (4) the client insists upon taking action that the lawyer considers repugnant or with which the lawyer has a fundamental disagreement;
- (5) the client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled;
- (6) the representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
- (7) other good cause for withdrawal exists.

Model Rules of Prof'l Conduct R. 1.16(b) (made applicable by Bankr. Ct. Local R. 9029-4A and Dist. Ct. Local R. 83.50). *Accord* Ill. Rules of Prof'l Conduct R. 1.16(b).

The Firm's continued representation of the Debtors in this matter has and/or will result in one or more of the enumerated circumstances.

Wherefore, the Firm respectfully requests that the Court enter an order authorizing it to withdraw as counsel for the Debtors and granting such further relief as is appropriate in the circumstances.

Dated: August 18, 2020

Respectfully submitted,

FactorLaw

By: /s/ Ariane Holtschlag

One of Its Attorneys

William J. Factor (6205675)

Ariane Holtschlag (6294327)

FACTORLAW

105 W. Madison Street, Suite 1500

Chicago, IL 60602

Tel: (312) 878-4830

Fax: (847) 574-8233

Email: aholtschlag@wfactorlaw.com